

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto,"
a.k.a. "Nasty,"
D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave,"
D-3 MAURICE PETERSON, a.k.a. "Black Moe,"
D-4 KEITH WALKER, a.k.a. "12-Gauge,"
D-5 DUANE SULLIVAN, a.k.a. "Fuzz,"
D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing,"
D-7 ROBERT EVANS,
D-8 MATT MAGBRAY, a.k.a. "1/2 Track,"
D-9 LOUIS McSWAIN, a.k.a. "Lil Lou,"
D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.,"
D-11 DAVID BOWLES,
D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike,"
D-13 SHANTEL GIBBS, a.k.a. "Pappose,"
D-14 TIA GIBBS,
D-15 MARVIN MASHATT,

Defendants.

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(21 U.S.C. §§846 and 841(a)(1) - Conspiracy to Possess with Intent to Distribute
and to Distribute Cocaine)

D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto,"
a.k.a. "Nasty,"
D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave,"
D-3 MAURICE PETERSON, a.k.a. "Black Moe,"

Case:2:08-cr-20520

Judge: Lawson, David M

MJ: Majzoub, Mona K

Filed: 10-01-2008 At 04:11 PM

SEALED MATTER

VIO: 21 U.S.C. §§ 841 & 846

21 U.S.C. §§843(b); 853(a)

18 U.S.C. §924(c)(1)(A);

18 U.S.C. §922(g)(1)

18 U.S.C. §2

D-4 KEITH WALKER, a.k.a. "12-Gauge,"
D-5 DUANE SULLIVAN,
D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing,"
D-7 ROBERT EVANS,
D-8 MATT MAGBRAY, a.k.a. "½ Track,"
D-9 LOUIS McSWAIN, a.k.a. "Lil Lou,"
D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.,"
D-11 DAVID BOWLES,
D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike,"
D-13 SHANTEL GIBBS, a.k.a. "Pappose,"
D-14 TIA GIBBS,
D-15 MARVIN MASHATT,

That from in or about 2002 to August 2008, in the Eastern District of Michigan, Southern Division, and elsewhere D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Nasty;" D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave;" D-3 MAURICE PETERSON, a.k.a. "Black Moe;" D-4 KEITH WALKER, a.k.a. "12-Gauge;" D-5 DUANE SULLIVAN, a.k.a. "Fuzz;" D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing;" D-7 ROBERT EVANS; D-8 MATT MAGBRAY, a.k.a. "½ Track;" D-9 LOUIS McSWAIN, a.k.a. "Lil Lou;" D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.;" D-11 DAVID BOWLES; D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike;" D-13 SHANTEL GIBBS, a.k.a. "Pappose;" D-14 TIA GIBBS; and D-15 MARVIN MASHATT, defendants herein, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and with other persons whose names are both known and unknown to the grand jury to commit an offense against the United States, that is, to possess with intent to distribute and to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, contrary to Title 21, United States Code, Section 841.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

(21 U.S.C. §§846 and 841(a)(1) - Conspiracy to Possess with Intent to Distribute
and to Distribute Cocaine Base, a.k.a. "Crack")

D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto,"
a.k.a. "Nasty,"
D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave,"
D-3 MAURICE PETERSON, a.k.a. "Black Moe,"
D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge,"
D-5 DUANE SULLIVAN, a.k.a. "Fuzz,"
D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing,"
D-7 ROBERT EVANS,
D-8 MATT MAGBRAY, a.k.a. "½ Track,"
D-9 LOUIS McSWAIN, a.k.a. "Lil Lou,"
D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.,"
D-11 DAVID BOWLES,
D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike,"
D-13 SHANTEL GIBBS, a.k.a. "Pappose,"
D-14 TIA GIBBS,
D-15 MARVIN MASHATT,

That from in or about 2002 to August 2008, in the Eastern District of Michigan, Southern Division, and elsewhere D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Nasty;" D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave;" D-3 MAURICE PETERSON, a.k.a. "Black Moe;" D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge;" D-5 DUANE SULLIVAN, a.k.a. "Fuzz;" D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing;" D-7 ROBERT EVANS; D-8 MATT MAGBRAY, a.k.a. "½ Track;" D-9 LOUIS McSWAIN, a.k.a. "Lil Lou;" D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.;" D-11 DAVID BOWLES; D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike;" D-13 SHANTEL GIBBS, a.k.a. "Pappose;" D-14 TIA GIBBS; and D-15 MARVIN MASHATT, defendants herein, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and with other persons whose names are both known and unknown to the

grand jury to commit an offense against the United States, that is, to possess with intent to distribute and to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, ("crack cocaine"), a Schedule II Controlled Substance, contrary to Title 21, United States Code, Section 841.

All in violation of Title 21, United States Code, Section 846.

Manner and Means

As part of the unlawful conspiracy, BERTEL FRANKLIN GIBBS, a.k.a. "Keyto, a.k.a. "Nasty," defendant did operate a large drug distribution organization which involved the distribution of multiple kilograms of cocaine, and cocaine base, ("crack cocaine,") in the Ypsilanti, Michigan area, and elsewhere, in the Eastern District of Michigan.

As part of their roles in the organization, and in furtherance of the conspiracy, defendants D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," recruited and caused others to enlist many subordinate associates, including: D-13 SHANTEL GIBBS, a.k.a. "Pappose," and D-14 TIA GIBBS to assist in the transportation of the cocaine and cocaine base, ("crack cocaine,") throughout the Ypsilanti, Michigan area, and elsewhere, in the Eastern District of Michigan, for distribution, as well as to assist in the transportation of monies in payment for the controlled substances.

In furtherance of the conspiracy, defendant D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," recruited and caused others to enlist many subordinate associates, including D-13 SHANTEL GIBBS, a.k.a. "Pappose," D-14 TIA GIBBS and D-15 MARVIN MASHATT, to store cocaine and cocaine base, ("crack cocaine,") in their homes, and in stash-

houses, to prevent detection by law enforcement authorities, and to distribute the cocaine and cocaine base ("crack cocaine,") throughout the Eastern District of Michigan, and elsewhere.

In furtherance of the conspiracy, D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," enlisted others, including: D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," D-3 MAURICE PETERSON, a.k.a. "Black Moe," and D-4 KEITH OBRIAN WALKER, a.k.a. "12-gauge," to assist him in overseeing the drug distribution activities and collection of drug proceeds for the organization and to further its operation through recruitment of other members of the conspiracy to sell the drugs and assist in the collection of drug proceeds.

As part of his role and in furtherance of the conspiracy, defendant D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," did act as the "right hand man," to defendant and as his first lieutenant in the drug distribution organization.

In furtherance of the conspiracy, defendant D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," did collect and coordinate the collection of drug proceeds obtained from the distribution of the narcotics by the organization headed by defendant D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty."

In furtherance of the conspiracy, defendant D-8 MATT MAGBRAY, a.k.a. "½ Track" was one of the suppliers of cocaine and cocaine base, ("crack cocaine,") which the organization distributed.

As part of her role and in furtherance of the conspiracy, defendant D-13 SHANTEL GIBBS, a.k.a. "Pappose," was responsible for transporting the monies needed to purchase the quantities of cocaine and cocaine base ("crack,") and the proceeds from the illegal drug

distribution, and did conceal proceeds from the sale of the illegal narcotics, in her home, and provided her car as a means to transport quantities of the narcotics and illegal proceeds to be stored in her home, and in other locations throughout the Eastern District of Michigan and elsewhere.

As part of her role and in furtherance of the conspiracy, defendant D-14 TIA GIBBS was responsible for transporting the monies needed to purchase the quantities of cocaine and cocaine base ("crack,") and the proceeds from the illegal drug distribution, and did conceal proceeds from the sale of the illegal narcotics, in her home, and provided her car as a means to transport quantities of the narcotics and illegal proceeds to be stored in her home, and in other locations throughout the Eastern District of Michigan and elsewhere.

As part of his role and in furtherance of the conspiracy, defendant D-15 MARVIN MASHATT did conceal illegal narcotics in his home, which was also used as a location to distribute the drugs.

All in violation of Title 21, United States Code, Section 846.

COUNT THREE

(21 U.S.C. §841(a)(1) - Possession with Intent to Distribute Cocaine)

**D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty,"
D-15 MARVIN MASHATT**

That on or about September 18, 2007, in the Eastern District of Michigan, Southern Division, D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," and D-15 MARVIN MASHATT, defendants herein, did knowingly, intentionally and unlawfully possess with intent

to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

(18 U.S.C. §922(g)(1) - Felon in Possession of a Firearm)

D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty,"

That on or about September 18, 2007, in the Eastern District of Michigan, Southern Division, D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," defendant herein, did knowingly, intentionally and unlawfully possess, having been previously convicted of Delivery/Manufacture of a Controlled Substance, and of Possession of Marijuana, both felony crimes punishable by imprisonment for a term exceeding one year, possess a Blk Fabrique National D-Armes Desguerre 9mm handgun, loaded with a magazine, (with a scratched off Serial Number); a 9mm S.W.D. MAC-10 pistol, Model M-11 with one loaded magazine, (Serial No. 87-0012118); a .357 caliber Smith and Wesson Revolver, Model #66-2, (Serial No. AAU9910), with six rounds; and a 9mm Smith and Wesson, semi-automatic handgun, Model #5906, (Serial No. VCT8981), said firearms having been shipped or transported in interstate or foreign commerce, contrary to the provisions of Title 18, United States Code, section 922(g)(1).

All in violation of 18 U.S.C. §924(a)(2).

COUNT FIVE

(18 U.S.C. §924(c)(1)(A) - Possession of a Firearm During and in Relation to a Drug Trafficking Crime)

D-15 MARVIN MASHATT,

That on or about September 18, 2007, in the Eastern District of Michigan, Southern Division, D-15 MARVIN MASHATT, defendant herein, did knowingly, intentionally and unlawfully possess, a Blk Fabrique National D-Armes Desguerre 9mm handgun, loaded with a magazine, (with a scratched off Serial Number), during and in relation to a drug trafficking offense, to wit: Possession with Intent to Distribute 500 grams or more of Cocaine, as more fully set forth in Count Three, said firearm having been shipped or transported in interstate or foreign commerce, contrary to the provisions of Title 18, United States Code, section 924(c)(1)(A).

COUNT SIX

(21 U.S.C. §841(a)(1) - Possession with Intent to Distribute Cocaine Base “Crack”)

D-2 DAVID LEE WILLIAMS, a.k.a. “Big Dave”

That on or about August 1, 2005, in the Eastern District of Michigan, Southern Division, D-2 DAVID LEE WILLIAMS, a.k.a. “Big Dave,” defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute approximately 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, (“Crack”), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

(21 U.S.C. §841(a)(1) - Possession with Intent to Distribute Cocaine)

D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave"

That on or about August 1, 2005, in the Eastern District of Michigan, Southern Division, D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute approximately a mixture or substance containing a detectable amount of Cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

(21 U.S.C. §841(a)(1) - Possession with Intent to Distribute Marijuana)

D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave"

That on or about August 1, 2005, in the Eastern District of Michigan, Southern Division, D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

That D-2 DAVID LEE WILLIAMS, defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Six, Seven or Eight of the Indictment. Specifically, on or about October 10, 1991, defendant was convicted of a felony, to wit: Delivery/Manufacturing of Felony Controlled Substance in 22nd Circuit Court, Ann Arbor, Michigan.

That D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," defendant herein, is subject to

increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Six, Seven or Eight of the Indictment. Specifically, on or about November 16, 1993, defendant was convicted of a felony, to wit: Possession of a Felony Controlled Substance in 14-A District Court, Washtenaw County, Michigan.

That D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Six, Seven and Eight of the Indictment. Specifically, on or about January 1, 1997, defendant was convicted of a felony, to wit: Possession of a Felony Controlled Substance in 22nd Circuit Court, Ann Arbor, Michigan.

COUNT NINE

(18 U.S.C. §922(g)(1) - Felon in Possession of a Firearm)

D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave"

That on or about August 1, 2005, in the Eastern District of Michigan, Southern Division, D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave," defendant herein, did knowingly, intentionally and unlawfully possess, having been previously convicted of Delivery/Manufacture of a Controlled Substance, and twice convicted of Possession of Marijuana, all felony crimes punishable by imprisonment for a term exceeding one year, possess a .40 caliber CZ Semi-Automatic Handgun, (Serial No. A1248X, Mod. 75B), loaded with a magazine and rounds, and a .357 Colt King Cobra Revolver, (Serial No. 00021K), said firearms having been shipped or transported in interstate or foreign commerce, contrary to the provisions of Title 18, United

States Code, section 922(g)(1).

All in violation of 18 U.S.C. §924(a)(2).

COUNT TEN

(21 U.S.C. §841(a)(1) - Possession with Intent to Distribute Cocaine Base “Crack Cocaine”)

D-3 MAURICE PETERSON, a.k.a. “Black Moe”

That on or about September 18, 2007, in the Eastern District of Michigan, Southern Division, D-3 MAURICE PETERSON, a.k.a. “Black Moe,” defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of cocaine base (“Crack” Cocaine), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT ELEVEN

(18 U.S.C. §924(c)(1)(A) - Possession of a Firearm During and In Relation to A Drug Trafficking Offense)

D-3 MAURICE PETERSON, a.k.a. “Black Moe”

That on or about September 18, 2007, in the Eastern District of Michigan, Southern Division, D-3 MAURICE PETERSON, a.k.a. “Black Moe,” defendant herein, did knowingly, intentionally and unlawfully possess, possess a 9mm S.W.D. MAC-10 pistol, Model M-11 with one loaded magazine, (Serial No. 87-0012118), during and in relation to a drug trafficking offense, to wit: Possession with Intent to Distribute a mixture or substance of Cocaine Base (“Crack”), as more fully set forth in Count Ten, said firearm having been shipped or transported in interstate or foreign commerce, contrary to the provisions of Title 18, United States Code,

section 924(c)(1)(A).

COUNT TWELVE

(21 U.S.C. §841(a)(1) – Distribution of Cocaine Base – “Crack”)

D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge”

That on or about August 28, 2007, in the Eastern District of Michigan, Southern Division, D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge,” defendant herein, did knowingly, intentionally and unlawfully distribute a mixture or substance containing a detectable amount of Cocaine Base (“Crack” Cocaine), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTEEN

(21 U.S.C. §841(a)(1) – Distribution of Cocaine)

D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge”

That on or about September 6, 2007, in the Eastern District of Michigan, Southern Division, D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge,” defendant herein, did knowingly, intentionally and unlawfully distribute a mixture or substance containing a detectable amount of Cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOURTEEN

(21 U.S.C. §841(a)(1) – Distribution of Cocaine)

D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge”

That on or about September 18, 2007, in the Eastern District of Michigan, Southern

Division, D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge," defendant herein, did knowingly, intentionally and unlawfully distribute a mixture or substance containing a detectable amount of Cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIFTEEN

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Cocaine Base -- "Crack")

D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty"

That on or about February 8, 2006, in the Eastern District of Michigan, Southern Division, D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of Cocaine Base ("Crack"), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

That D-1 BERTEL FRANKLIN GIBBS, defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Three or Fifteen of the Indictment. Specifically, on or about June 21, 1991, defendant was convicted of a felony, to wit: Possession of a Felony Controlled Substance (Cocaine) in 22nd Circuit Court, Ann Arbor, Michigan.

That D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty," defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Three or Fifteen of the Indictment. Specifically, on September 20, 1995, D-1 BERTEL FRANKLIN GIBBS, a.k.a.

“Keyto,” a.k.a. “Nasty,” was convicted of a felony, to wit: Delivery/ Manufacturing a Felony Controlled Substance in 22nd Circuit Court, Ann Arbor, Michigan.

COUNT SIXTEEN

(18 U.S.C. §922(g)(1) - Felon in Possession of a Firearm)

D-1 BERTEL FRANKLIN GIBBS, a.k.a. “Keyto,” a.k.a. “Nasty,”

That on or about February 8, 2006, in the Eastern District of Michigan, Southern Division, D-1 BERTEL FRANKLIN GIBBS, a.k.a. “Keyto,” a.k.a. “Nasty,” defendant herein, did knowingly, intentionally and unlawfully possess, having been previously convicted of Delivery/Manufacture of a Controlled Substance, and of Possession of Marijuana, both felony crimes punishable by imprisonment for a term exceeding one year, possess a Black, 9mm High Point Model C Pistol, (Serial No. scratched off) with a matching Magazine, as well as nine rounds of 9mm ammunition.

COUNT SEVENTEEN

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Cocaine Base – “Crack”)

D-5 DUANE SULLIVAN, a.k.a. “Fuzz”

That on or about February 8, 2006, in the Eastern District of Michigan, Southern Division, D-5 DUANE SULLIVAN, a.k.a. “Fuzz,” defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of Cocaine Base, (“Crack”), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHTEEN

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Marijuana)

D-5 DUANE SULLIVAN, a.k.a. “Fuzz”

That on or about February 8, 2006, in the Eastern District of Michigan, Southern Division, D-5 DUANE SULLIVAN, a.k.a. “Fuzz,” defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of Marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

That D-5 DUANE SULLIVAN, a.k.a. “Fuzz,” defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Seventeen or Eighteen of the Indictment. Specifically, on or about March 24, 1989, defendant was convicted of a felony, to wit: Delivery/Manufacturing of Felony Controlled Substances in the 22nd Circuit Court, Ann Arbor, Michigan.

That D-5 DUANE SULLIVAN, a.k.a. “Fuzz,” defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Seventeen or Eighteen of the Indictment. Specifically, on or about March 8, 2002, defendant was convicted of a felony, to wit: Possession of Cocaine in the 22nd Circuit Court, Ann Arbor, Michigan.

COUNT NINETEEN

(18 U.S.C. §922(g)(1) - Felon in Possession of a Firearm)

D-5 DUANE SULLIVAN, a.k.a. "Fuzz"

That on or about February 8, 2006, in the Eastern District of Michigan, Southern Division, D-5 DUANE SULLIVAN, a.k.a. "Fuzz," defendant herein, did knowingly, intentionally and unlawfully possess, having been previously convicted of Delivery/Manufacture of a Controlled Substance, and of Possession of Cocaine, both felony crimes punishable by imprisonment for a term exceeding one year, possess a .45 caliber Kimber Pistol, Model Type Ultra CDP II, (Serial No. KU21766), loaded with a magazine and seven rounds, said firearm having been shipped or transported in interstate or foreign commerce, contrary to the provisions of Title 18, United States Code, section 922(g)(1).

All in violation of 18 U.S.C. §924(a)(2).

COUNT TWENTY

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Cocaine Base – "Crack")

D-10 DAVID ANTHONY PARKER, a.k.a."P.D."

That on or about February 8, 2006, in the Eastern District of Michigan, Southern Division, D-10 DAVID ANTHONY PARKER, a.k.a."P.D.,"defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of Cocaine Base, ("Crack"), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-ONE

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Cocaine)

D-11 DAVID BOWLES

That on or about June 30, 2007, in the Eastern District of Michigan, Southern Division, D-11 DAVID BOWLES, defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of Cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-TWO

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Marijuana)

D-11 DAVID BOWLES

That on or about June 30, 2007, in the Eastern District of Michigan, Southern Division, D-11 DAVID BOWLES, defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of Marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1)

COUNT TWENTY-THREE

(21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Cocaine Base – “Crack”)

D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge”

That on or about August 12, 2008, in the Eastern District of Michigan, Southern Division, D-4 KEITH OBRIAN WALKER, a.k.a. “12-Gauge,” defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of Cocaine Base – “Crack” Cocaine, a Schedule II Controlled Substance, in

violation of Title 21, United States Code, Section 841(a)(1).

That D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge" defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Twelve, Thirteen or Fourteen of the Indictment. Specifically, on or about November 5, 1998, defendant was convicted of a felony, to wit: Manufacture or Distribution of a Felony Controlled Substance-Imitation, as well as of Delivery/Manufacturing of a Felony Controlled Substance in 22nd Circuit Court, Ann Arbor, Michigan.

That D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge" defendant herein, is subject to increased punishment by reason of a prior drug conviction, if he is convicted or pleads guilty to the pending charges contained in Counts One, Two, Twelve, Thirteen or Fourteen of the Indictment. Specifically, on or about March 7, 2005, defendant was convicted of a felony, to wit: Possession of a Felony Controlled Substance (Cocaine and Marijuana) in 22nd Circuit Court, Ann Arbor, Michigan.

COUNT TWENTY-FOUR

**(Conspiracy to Unlawfully Use of a Communication Facility Commit A Drug Trafficking
Offense - 21 U.S.C. §843(b) and 846)**

- D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto,"
a.k.a. "Nasty,"
- D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave,"
- D-3 MAURICE PETERSON, a.k.a. "Black Moe,"
- D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge,"
- D-5 DUANE SULLIVAN, a.k.a. "Fuzz,"
- D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing,"
- D-7 ROBERT EVANS,
- D-8 MATT MAGBRAY, a.k.a. "½ Track,"

D-9 LOUIS McSWAIN, a.k.a. "Lil Lou,"
D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.,"
D-11 DAVID BOWLES,
D-12 MICHAEL FRANKLIN,
D-13 SHANTEL GIBBS, a.k.a. "Pappose,"
D-14 TIA GIBBS,
D-15 MARVIN MASHATT,

That between in or about January 2003 and August 2008, said date being approximate, in the Eastern District of Michigan, Southern Division, and elsewhere, D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto," a.k.a. "Nasty;" D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave;" D-3 MAURICE PETERSON, a.k.a. "Black Moe;" D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge;" D-5 DUANE SULLIVAN, a.k.a. "Fuzz;" D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing;" D-7 ROBERT EVANS; D-8 MATT MAGBRAY, a.k.a. "½ Track;" D-9 LOUIS McSWAIN, a.k.a. "Lil Lou;" D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.;" D-11 DAVID BOWLES; D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike;" D-13 SHANTEL GIBBS, a.k.a. "Pappose;" D-14 TIA GIBBS; and D-18 MARVIN MASHATT, defendants herein, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and with other persons whose names are both known and unknown to the grand jury to commit an unlawful act, to wit: unlawful use of communication facilities to commit an act or acts constituting a felony, to wit: conspiracy to possess with intent to distribute and to distribute controlled substances, as set forth more fully in Counts One and Two, contrary to the provisions of Title 21, United States Code, section 841(a)(1).

All in violation of 21 U.S.C. §843(b) and 846.

COUNT TWENTY-FIVE

(21 U.S.C. §853(a) - Criminal Forfeiture)

**D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Keyto,
a.k.a. "Nasty,"**
D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave,"
D-3 MAURICE PETERSON, a.k.a. "Black Moe,"
D-4 KEITH WALKER, a.k.a. "12-Gauge,"
D-5 DUANE SULLIVAN, a.k.a. "Fuzz,"
D-6 WILLIAM ANTHONY SMITH, a.k.a. "Wild Thing,"
D-7 ROBERT EVANS,
D-8 MATT MAGBRAY, a.k.a. "½ Track,"
D-9 LOUIS McSWAIN, a.k.a. "'Lil Lou,"
D-10 DAVID ANTHONY PARKER, a.k.a."P.D.,"
D-11 DAVID BOWLES,
D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike,"
D-13 SHANTEL GIBBS, a.k.a. "Pappose,"
D-14 TIA GIBBS,
D-15 MARVIN MASHATT

I. The allegations contained in Counts One, Two, Three, Six, Seven, Eight, Ten, Twelve, Thirteen, Fourteen, Fifteen, Seventeen, Eighteen, Twenty, Twenty-One, Twenty-Two and Twenty-Three of this Indictment are hereby incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853. Upon conviction of one or more of the controlled substance violations of Title 21, United States Code, Sections 841(a)(2) and 846 alleged in Counts One, Two, Three, Six, Seven, Eight, Ten, Twelve, Thirteen, Fourteen, Fifteen, Seventeen, Eighteen, Twenty, Twenty-One, Twenty-Two and Twenty-Three of this Indictment, D-1 BERTEL FRANKLIN GIBBS, a.k.a. "Nasty;" D-2 DAVID LEE WILLIAMS, a.k.a. "Big Dave;" D-3 MAURICE PETERSON, a.k.a. "Black Moe;" D-4 KEITH OBRIAN WALKER, a.k.a. "12-Gauge;" D-5 DUANE SULLIVAN, a.k.a. "Fuzz;" D-6 WILLIAM

ANTHONY SMITH, a.k.a. "Wild Thing;" D-7 ROBERT EVANS; D-8 MATT MAGBRAY, a.k.a. "½ Track;" D-9 LOUIS McSWAIN, a.k.a. "Lil Lou;" D-10 DAVID ANTHONY PARKER, a.k.a. "P.D.;" D-11 DAVID BOWLES; D-12 MICHAEL FRANKLIN, a.k.a. "Dirty Mike;" D-13 SHANTEL GIBBS, a.k.a. "Pappose;" D-14 TIA GIBBS; and D-15 MARVIN MASHATT, defendants herein shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a): (a) any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violations; and (b) any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations.

ii. **Money Judgment.** Such property includes, but is not limited to, \$30,000,000.00 in United States currency and all traceable interest and proceeds for which the defendants are jointly and severally liable. Such sum in aggregate is property representing the proceeds of the aforementioned offenses, or is traceable to such property, in violation of Title 21, United States Code, Section[s] 841 and/or 846.

iii. **Substitute Assets.** Pursuant to Title 21, United States Code, Section 853(p), defendants shall forfeit substitute property, up to the value of the properties described in paragraph I and ii above, if, by any act or omission of any defendant, the property described in paragraph I and ii cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All in accordance with Title 21 United States Code, Section 853.

THIS IS A TRUE BILL

s/Foreperson
FOREPERSON

TERRENCE BERG
Acting United States Attorney

s/Karen M. Gibbs
KAREN GIBBS (No Mich P#)
Assistant U. S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226

DATED: October 1, 2008

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number
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